

which he has, in my judgment, no right, nothing can be fairer, or more equitable, than that the loss shall fall upon him alone.

I do not think, that the share of the trust estate of the said Charles A. Waters, in the hands of the trustee, can be made responsible for the prosecution of the appeal, which, it appears has been taken by him, the said Charles A., from the decree passed upon his bill, against Charles Howard and others—but until that appeal shall be decided, I see no objection to permitting the said Charles A., to retain the possession of the said property, he being chargeable with the rents and profits thereof, to be retained from his share of the income of the residue of the trust estate. An order will be passed in conformity with these views, with liberty to the petitioner, to apply for further directions as to proceedings, to secure possession of the trust estate, in the possession of the said Charles A. Waters, should circumstances render it necessary.

[No appeal was taken from this order.]

WILLIAMS AND BRADFORD	}	MARCH TERM, 1848.
vs.		
GEORGE H. WILLIAMS ET AL.		

[CHANCERY PRACTICE—PRODUCTION OF BOOKS AND PAPERS.]

SINCE the assembly of 1798, ch. 84, there can be no doubt of the power of this court, in a proper case, to compel either of the parties to a suit to produce books and papers in the possession of the adverse party, which may relate to matters in issue between them.

But, this is a power to be exercised with caution, and the party calling for its exercise should, with a reasonable degree of certainty, designate the books and papers required, and the facts expected to be proved by them.

[On the 19th December, 1843, George Williams, of Harford county, applied for the benefit of the insolvent laws of Maryland, and at May term, 1844, of Harford County Court, ob-